

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/550,846

Filing Date

March 24, 2004

First Named Inventor

CALVEZ et al.

Group Art Unit

Unknown

Examiner Name

N/A

Attorney Docket Number

D-3213

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form
(in duplicate)

☒ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment
Request

☒ Information Disclosure
Statement

☐ Certified Copy of Priority
Document(s)

☒ Response to Missing Parts/
Incomplete Application

☒ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney,
Revocation
Change of Correspondence
Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of
CD(s)

☐ Landscape Table on CD

☐ After Allowance Communication
to TC

☐ Appeal Communication to Board of Appeals
and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below)

- Signed Declaration,
- Preliminary Amendment and
- Copies of references listed on
Form PTO-1449

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Stout, Uxa, Buyan & Mullins, LLP

Signature

Printed Name

Frank J. Uxa

Date

4/13/07

Reg. No.

25,612

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at fax number 571-273-8300, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Missing Parts**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

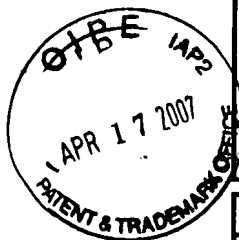
Typed or printed name

JANET MCGHEE

Date

4/13/2007

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FEE TRANSMITTAL for FY 2007

Patent fees are subject to annual revision.

Complete if Known

Application Number 10/550,846
Filing Date March 24, 2004
First Named Inventor CALVEZ et al.
Examiner Name N/A
Art Unit Unknown
Attorney Docket No. D-3213

☒ Application claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 665.00

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number 21-0890 Deposit Account Name Frank J. Uxa

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) associated with this communication ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	300
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
Subtotal (1)							300

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple Dependent Claims	360	180
Total Claims 32 -20 or HP = 12 x 25 = 300		
HP = highest number of total claims paid for, if greater than 20		
Indep. Claims 3 -3 or HP = 0 x		
HP = highest number of independent claims paid for, if greater than 3		
Subtotal (2)		300

3. APPLICATION SIZE FEE


If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.18(e).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 =	/50=	(round up to a whole number)	x	
Subtotal (3)				0

4. OTHER FEE(S)

<input checked="" type="checkbox"/> Surcharge - Late filing fee or oath/declaration: \$130 fee (\$65 small entity discount)	65
<input type="checkbox"/> Non-English Specification: \$130 fee (no small entity discount)	
<input type="checkbox"/> 1-month extension of time: \$120 fee (\$60 small entity discount)	
<input type="checkbox"/> 2-month extension of time: \$450 fee (\$225 small entity discount)	
<input type="checkbox"/> 3-month extension of time: \$1020 fee (\$510 small entity discount)	
<input type="checkbox"/> 4-month extension of time: \$1590 fee (\$795 small entity discount)	
<input type="checkbox"/> 5-month extension of time: \$2160 fee (\$1080 small entity discount)	
<input type="checkbox"/> Information Disclosure Statement Fee: \$180 fee (no small entity discount)	
<input type="checkbox"/> Notice of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Filing a Brief in Support of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Request for Oral Hearing: \$1000 fee (\$500 small entity discount)	
<input type="checkbox"/> Utility Issue Fee: \$1400 fee (\$700 small entity discount)	
<input type="checkbox"/> Recording each patent assignment per property (times number of properties): \$40 fee (no small entity fee discount)	
<input type="checkbox"/> Request for Continued Examination: \$790 fee (\$395 small entity discount)	
<input type="checkbox"/> Other: _____	
Subtotal (4)	65

SUBMITTED BY

Name (Print/Type)	Frank J. Uxa	Registration No. (Attorney/Agent)	25,612	Telephone	949-450-1750
Signature				Date	4/13/07



D-3213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/550,846 Confirmation No. 6032
Applicant : CALVEZ et al.
Filed (I.A.) : March 24, 2004
Title : IMPROVEMENTS IN AND RELATING TO VERTICLE-CAVITY
SEMICONDUCTOR OPTICAL DEVICES
TCA.U. : Unknown
Examiner : N/A
Docket No. : D-3213
Customer No. : 33197



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

April 13, 2007

Janet McGowan

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Letter

Dear Sir:

In response to the Notification of Missing Requirements mailed February 15, 2007, enclosed is a copy of the Notice, the executed Declaration and a check in the amount of \$665.00 to cover the filing fee, excess claims fee and surcharge in the above-identified application.

The Notice indicates that there were 16 total claims over 20. However, our records indicate that the application as filed included only 12 total claims over 20. In addition, the present claims have been amended, see Preliminary Amendment submitted herewith, to remove all multiple claim dependency.

In view of the above, applicant respectfully submits that the total additional fees required for this application is \$665.00 (enclosed) rather than the amount shown in the attachment.

In addition, submitted herewith are the Preliminary Amendment, an Information Disclosure Statement and copies of references in the above-referenced application.

D-3213

Please charge any deficiency or credit any overpayment to
Deposit Account No. 21-0890.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank J. Uxa", written over the printed name.

Frank J. Uxa

Attorney for Applicant

Reg. No. 25,612

4 Venture, Suite 300

Irvine, CA 92618

(949) 450-1750

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/550,846	Stephane Luc Dominique Calvez	D-3213

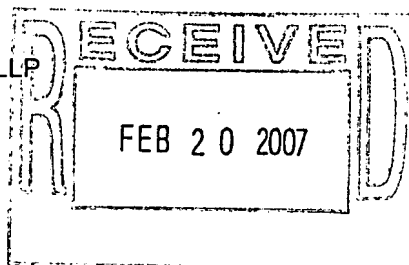
INTERNATIONAL APPLICATION NO.

PCT/GB04/01285

I.A. FILING DATE	PRIORITY DATE
03/24/2004	03/24/2003

33197

STOUT, UXA, BUYAN & MULLINS LLP
 4 VENTURE, SUITE 300
 IRVINE, CA 92618



CONFIRMATION NO. 6032

371 FORMALITIES LETTER



OC000000022514647

Date Mailed: 02/15/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/23/2005
- Copy of the International Search Report filed on 09/23/2005
- U.S. Basic National Fees filed on 09/23/2005
- Priority Documents filed on 09/23/2005
- Specification filed on 09/23/2005
- Claims filed on 09/23/2005
- Drawings filed on 09/23/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$580** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$945** for a Small Entity:

- **\$65 Surcharge.**
 - The application search fee has not been paid. Applicant must submit **\$200** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
 - The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 580**
 - **\$400** for **16** total claims over 20.
 - **\$180** for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/550,846	PCT/GB04/01285	D-3213